

# ORDINANCE NUMBER 2007-225

## AN ORDINANCE ESTABLISHING THE OLLA DOWNTOWN HISTORIC DISTRICT AND THE OLLA HISTORIC COMMISSION

**WHEREAS**, the Town Council is desirous of promoting the educational, cultural and economic welfare of the public of the Town by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and heritage of the town, region, state, and nation, and furthermore it is the purpose of this ordinance to strengthen the economy of the Town by stabilizing and improving property values in historic areas;

**I. NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Olla, in legal session convened, as follows, to-wit:

### **SECTION 1. Commission Established**

There is hereby created a Commission to be known as the Historic District Commission of the Town of Olla.

### **SECTION 2. Recommendation and Appointment of Members**

The Commission consists of 9 (nine) members to be appointed by the Mayor.

### **SECTION 3. Term; Vacancies**

Each of the members of the Commission be appointed for a term of four (4) years. The Chairman shall be elected by the members of the Commission. Whenever the term of a member of the Commission expires, the Mayor shall appoint his successor. The members may serve consecutive terms. The first commission shall have staggered terms:  $\frac{1}{4}$  with one (1) year terms,  $\frac{1}{4}$  with two (2) year terms,  $\frac{1}{4}$  with three (3) year terms and  $\frac{1}{4}$  with four (4) years terms. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. The commission shall seek the advice, as needed, of professionals in the related disciplines of architecture, history, architectural history, or archaeology, etc.

### **SECTION 4. Administration and Committees**

The Town Clerk of the Town of Olla, or his or her designee will serve as advisor to the Commission and will act as liaison between the Commission and the Office of the Mayor. Nominal expenses necessary to carry out the duties of the Commission will be budgeted through the aforementioned department. The recording secretary for the Commission will be designated by the director and all files, records, and minutes of the Commission will be maintained by the department. The Town Attorney shall be the ex officio attorney for the Commission. The Commission may designate and appoint, from among its members, various committees with such powers and duties as the Commission may have and prescribe.

### **SECTION 5. Rules, Regulation and Guidelines; Meetings; Reports and**

The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs not inconsistent with the laws of the Town and State. The Commission shall meet monthly, but meetings may be held at any time by the Commission on the written request of any of the Commission members or on the call of the Chairman of the Commission or of the Mayor. The Commission shall make quarterly reports to the Mayor and Council containing a statement of its activities. Copies of the rules, regulations and guidelines will be available at the Historic District Commission office.

### **SECTION 6. Purpose**

The Olla Historic District Commission has for its purpose the preservation and stewardship of all structures in the designated Historic District of the Town of Olla. The commission shall have for its further purpose the guardianship of those structures which have architectural and historical value and which should be preserved for the benefit of the people of the Town and State.

To Wit, the goals of the Olla Historic District are as follows:

- A. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the town's historical, cultural, social, economic, political, archaeological, and architectural identity;

- B. Insure the harmonious, orderly, and efficient growth and development of the town;
- C. Strengthen civic pride and cultural stability through neighborhood conservation;
- D. Stabilize the economy of the town through the continued use, preservation, and revitalization of its resources;
- E. Protect and enhance the town's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- F. Promote the use of resources for the education, pleasure, and welfare of the people of the Town of Olla.
- G. Provide a review process for the preservation and appropriate development of the town's resources.

**SECTION 7. Definition of Historic District**

The following area of the Town of Olla is hereby designated as the "Olla, Historic District," to wit:

Beginning at the point where Taylor Street intersects with the alleyway behind West Front Street (N31 54.326 W92 14.130) to the point where the alleyway intersects with Randall Lane (N31 54.190 W92 14.668). Then follow Randall Lane to the intersection of Front Street and continue across the Railroad Tracks to the alleyway behind what is formerly known as Carroll's Building Supply (N31 54.106 W92 14.599). Continue in a Northeasterly direction along the alleyway to the intersection of LA 127, also known as Central Avenue. At the intersection of Central Avenue travel Southwest along Central Avenue to London Street. At this point cross Central Avenue into the Northeast side of the buildings fronting Central Avenue along the alleyway to Elm Street (N31 54.223 W92 14.420) End at the beginning point; the intersection of Taylor Street and the alleyway.

*Please see attached map.*

**SECTION 8. Procedures for Application of Certificate of Appropriateness**

A. Whenever an application for a certificate of appropriateness is filed with the Town Clerk or Town Commission, the Certificate of appropriateness being defined herein as a certificate from the commission approved of construction or modification to property located in the Historic District of the Town of Olla, the Town Clerk or his/her designee shall immediately notify the Chairman of the Historic Commission for the Town of Olla that the application has been filed. Similarly, whenever the Town Clerk for the Town of Olla becomes aware that an application has been filed for a permit affecting a property under the jurisdiction of the preservation commission, the Town Clerk for the Town of Olla shall immediately notify the chairman or vice-chairman, if the chairman is unavailable, that such an action has been filed.

B. The commission has the authority to determine when a filed application is complete and contains all required information. An application deemed incomplete by the commission shall not be considered to have been filed for the purpose of this ordinance. The commission shall develop standard application forms and its written guidelines shall specify what information an applicant should attach to each form.

C. Members of the commission shall establish a regular schedule for the hearings of the commission. One hearing shall be scheduled for each month unless no application for a certificate of appropriateness has been submitted. However, the commission has to meet at least once every three (3) months even if no applications for a certificate of appropriateness have been submitted.

D. The applicant, upon request, shall have the right to a preliminary conference with the commission staff or the chairman or vice-chairman for the purpose of learning whether changes or adjustments to the application could make it more consistent with the commission's standards.

E. Not later than six (6) days before the date set for the said hearing, the town clerk or her/his designee shall mail notice therefore to the applicant at the address in the application and to all members of the commission.

F. Notice of the time and place of a scheduled public hearing on an application for a certificate of appropriateness shall be given by publication in the official journal and by posting such on the bulletin board in the lobby of Town Hall.

G. At the scheduled public hearing, the applicant for a certificate of appropriateness has the right to present any relevant information pertaining to the application. Likewise, the town, the commission and its staff, and members of the public have the right to present any additional relevant information pertaining to the application. The Commission will issue rules of procedure

specifying in detail how a public hearing be conducted and when comments and information from different sources will be heard.

H. The commission, at either a preliminary conference or at a public hearing, has the right to recommend changes and modifications to enable the applicant to meet the requirements of the commission. If the commission chooses to do this at a preliminary conference after application for a certificate of appropriateness has been filed, then the time during which the commission must tender its decision, as set forth below in Paragraphs I and J, shall be extended by thirty (30) days in order to permit the applicant to prepare any new drawings or other submissions which prove necessary.

I. Within not more than forty-five (45) days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in Section VII hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the town building official.

J. Failure by the commission to reach and render a decision within sixty (60) days of the date of filing of the application with the commission shall be taken to constitute approval of the application by the commission, unless an applicant has requested that the commission delay its decision beyond the sixty (60) day period otherwise required.

K. The issuance of a certificate of appropriateness shall not relieve an applicant for a companion building permit, special use permit, variance, or other authorization from compliance with any other requirements or provisions of the laws of the town concerning zoning, repair, or demolition. In all such cases, applicants are encouraged to apply first for a certificate of appropriateness as other town agencies will be advised by the preservation commission in making their subsequent decisions.

L. No building permit which affects a resource shall be issued by the town official prior to the issuance of a certificate of appropriateness by the commission. Even if a building permit is not otherwise required by the town ordinance for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness from the commission is required.

#### **SECTION 9. Submission of Plans to Commission for Exterior Changes**

A. The owner of any property within the Historic District shall apply for a permit or Certificate of Appropriateness from the Commission before the commencement of any work in:

1. The erection of any new building or other construction in the Olla Historic District; or
2. the alteration or addition to any existing structure in the Olla Historic District; or
3. The painting, repairing, or demolishing of any existing building situated within the Olla Historic District.
4. The relocation of any building into or out of the Olla Historic district.

B. The application therefore shall made to the Commission, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, color, texture, materials, and architectural design of the exterior, including the front, sides, rear, and roof of such buildings, alterations or addition of any building or outbuilding, party wall, sidewalk, driveway, parking area, fence, or other dependency thereof.

C. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances applicable solely to the particular, strict enforcement of the provisions of this Ordinance would result in serious undue hardship peculiarly affecting said applicant, then the commission, in passing upon his application, have the power to vary or modify adherence to this Ordinance provided always that its requirements insure harmony with the general purpose hereof, and will not adversely affect the Historic District as a whole.

#### **SECTION 10. Commission Recommendation and Action Thereon**

The Olla Historic District Commission, upon due consideration, shall render its decision concerning the approval or disapproval of the issuance of the permit, which may include such changes, if any, as in its judgments are reasonably necessary to comply with the requirements of this Ordinance, and send its decision., in writing, to the applicant and the Building Inspector. If the permit is approved, the Town Clerk shall promptly issue a permit for such work in conformance with the Commission's decision.

#### **SECTION 11. Appeals**

Any person or persons aggrieved by any decision, act or proceeding of the Olla Historic District Commission have a right to apply in writing to the Town Council for reversal or modification thereof; and the Mayor, or presiding officer of the Town Council, shall have the right, but not the duty, to stay all further action until the Town Council has had an opportunity to rule thereon. Any such appeal will be taken in ten days from mailing date of the written

decision, and the Town Council may consider said appeal at its next general or special meeting, but, in any event, not more than forty-five days thereafter. The Town Council may affirm, or reserve, modify, or change a decision of the Olla Historic District Commission by majority vote of all its members.

Any person or persons aggrieved by any decision of the Town Council affecting said Historic District shall have the right to file a civil suit within thirty days from date of decision, affirming, reversing, modifying, or changing a decision of the Historic District Commission in a court of competent jurisdiction under the usual rules of procedure governing same.”

#### **SECTION 12. Injunctions**

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this Ordinance, the Town Council or Olla Historic District Commission may make application to the appropriate Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by resorting the affected property to its previous condition. Upon a showing by the Commission or the Town that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order, or other appropriate order shall be granted without bond.

#### **SECTION 13. Penalties**

Any owner, agent, lessee, or other person acting for or in conjunction therewith, who violates the Olla Historic District Ordinance or law or rules, regulations or decisions of the Commission, shall be fined not less than One hundred dollars (\$100.00) nor more than \$1,000 for each infraction. Each day that a violation continues constitute a separate offense.

#### **SECTION 14. Stopping Work Commenced Without Permit**

The Mayor or his/her designee shall promptly stop any work attempted to be done without or contrary to a permit issued under this Ordinance and shall promptly prosecute any person responsible for such a violation of this Ordinance or engaged in such violation. Any officer or authorized agent of the Commission exercises concurrent or independent powers with the Town of Olla or its representative in prosecuting violations of this Ordinance and stopping work attempted to be done without or contrary to the permits required by the Ordinance.

#### **SECTION 15. Provisions of Ordinance Prevail in Case of Conflict**

The provisions of this Ordinance govern and take precedence over any other provisions of any ordinance or codes of the Town of Olla.

#### **SECTION 16. New Construction**

Proposals for new construction in the Olla Historic District should seek compatibility with existing structures through the appropriate use of site planning, material, decorative details, architectural elements, and scale. A proposal should not draw unnecessary attention to itself in any one of these characteristics. However, a proposal should not duplicate or copy historic styles and periods. The architectural context is of primary concern.

- A. **Scale:** *The relationship of the building and its elements (including doors and windows) to other structures in the district*  
It is important in considering scale that a careful study is made of the height, width, and mass of buildings in the immediate neighborhood and district as a whole. This study should serve to confirm or deny the appropriateness of the height, width, and mass of the proposed building. Maximum height of any new structures shall conform to The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstruction Historic Buildings. In no case shall a new structure exceed a height of 75 feet above the street.
- B. **Siting:** *The positioning of a building on a lot.*  
This process includes determining the setback of a building, the spacing of this building from adjacent buildings, and the location of the walls, fences, walks, drives, and landscaping, if any of these are used in the overall design.
- C. **Materials:** *The surface building fabric which contributes to the exterior character appearance of a building.*
- D. **Decorative Details:** *Ornamentation or embellishment.*  
These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other common details. When used, details should create a unifying effect on a building and should be compatible with the context of the neighborhood.
- E. **Architectural Elements:** *Parts of a building that are integral to its composition.*

These include balconies, roofs, porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The building should not draw unnecessary attention to itself by failing to relate to neighboring styles. Neither should it copy these styles. The object is to compliment the context of the Olla Historic District.

## **SECTION 17. Standards for Rehabilitation, Restoration, and Reconstruction**

### **A. Standards for Preservation**

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, and spatial relationships. Where a treatment and use have not been identified, a property will be protected, and if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and historical significance.  
Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, that new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, when determined appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation will be undertaken.

When the property's distinctive materials, features, and spaces are essentially intact and thus convey the history's significance without extensive repair or replacement; when depiction at a particular prior of time is not appropriate; and when continuing or new use does not require additions or extensive alterations, preservation must be considered as a treatment.

### **B. Standards of Rehabilitation**

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alterations of features, spaces, and spatial relationships that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, shall not be undertaken.
4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, shall be undertaken using gentlest means possible. Treatments that cause damages to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportions, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, rehabilitation must be considered as a treatment.

### **C. Standards for Restoration**

1. A property shall be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period shall be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period shall not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period shall be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods shall be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period shall be preserved.
6. Deteriorated features from the restoration period shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period shall be substantiated by documentary and physical evidence. A false sense of history shall not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project shall be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

10. Designs that were never executed historically shall not be constructed.

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for restoration developed.

#### **D. Standards for Reconstruction**

1. Reconstruction shall be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location shall be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures shall be undertaken.
3. Reconstruction should include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property should re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction shall be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically shall not be constructed.

When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, reconstruction may be considered as a treatment.

The Town of Olla Historic District Commission follows The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation.

#### **SECTION 18. Fences**

Fence design must be in harmony with the nature of the district. The following fencing materials are generally acceptable: iron picket, brick, wood picket, and any others to be deemed appropriate by the historic commission.

The following fencing materials are not acceptable: Barbed wire, chain-linked, concrete block, stockade, plywood, hardboard, or asbestos board.

#### **SECTION 19. Floodlights**

The Town of Olla Historic District shall not be illuminated by privately controlled floodlights or other illumination except as approved by the Historic District Commission or as permitted specifically by this Ordinance.

#### **SECTION 20. Overhanging Balconies**

No overhanging balconies or galleries may be removed, but new additional balconies may be erected if they conform to the distinctive architecture of the Town of Olla Historic District. The permit for all such new construction or any renovation shall be subject to the requirements of this Ordinance.

#### **SECTION 21. Signs**

##### **A. Definitions**

1. SIGN includes any symbol, device, image, poster, flag, banner, billboard, design, or directional sign used for advertising purposes, whether painted upon, attached to, erected on, or otherwise maintained on any premises containing any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or

trademarks, by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which is visible from any public street and is used to attract attention.

2. DISPLAY means and includes to erect, paint, repaint, place, replace, hang, re-hang, repair, maintain paint directly upon the building or other structure, inlay, embed in, or otherwise exhibit in public view.

B. Signs Must Conform to Character of Section

In addition to the prohibitions contained in this section, approval of the display sign in the Town of Olla Historic District of the Town shall be granted by the Commission only when such signs and the plans therefore, so far as they relate to the appearance, color, size, position, method of attachment, texture of materials and design, conform to the quaint and distinctive character of the Town of Olla Historic District or do not injuriously affect it or impair the value to the community of those buildings having architectural or historical worth.

C. No Signs to be displayed in Certain Places.

No sign shall be displayed from the parapet or roofs of any building in the Historic District. No sign shall be displayed or placed in any manner whatsoever so as to disfigure or conceal any significant architectural feature or detail of any building.

D. What Signs May Advertise.

No sign shall be displayed in the Town of Olla Historic District unless such sign advertises a bona fide business conducted in or on the premises and if, it does not do so, no more than fifty (50 %) percent of the area of such a sign may be used to advertise products or commodities actually sold on the premises. This is exclusive of any pre-existing, historic/ "ghost" signs.

E. Number of Primary Signs

In general, one primary sign is allowed to each store, shop, or bona fide place of business, and this sign shall be no larger than the maximum stipulated in the Ordinance.

1. In the case of a business operated on a corner lot that faces two streets, one primary sign on each street facing is allowed and shall be regulated as if each side were a separate storefront.
2. In the case of a single sign being inappropriate, multiple primary signs may be used, the total face area of which may not exceed the maximum size stipulated in this article.

F. Surface Area of Signs

The surface area of any sign shall be in direct proportion to the amount of front footage of each ownership and will be as follow:

1. For single faced signs, attached flat against the wall and including painted wall signs there will be allowed thirty (30) square inches of sign surface area to each foot of lot frontage.
2. For double faced signs, suspended by brackets or arms perpendicularly from the wall of a building, the surface area shall be the sum of the area of each face not to exceed thirty (30) square inches of sign surface area to each foot of lot frontage.
3. In the case of multiple businesses operating at a single location, the total face area of signage may be increased to 1 ½ times the maximum stipulated in the article.

G. Secondary Signs

In addition to the primary sign(s) referred to in (SECTION 19, E), small secondary signs may be used to identify the following:

1. Entrance Doors
2. Operating Hours

### 3. Temporary Signs

#### H. Temporary Signs

Temporary signs of a promotional nature may be placed on the interior of store windows. In no case may they remain longer than sixty days. A permit is not required for the placement of a temporary sign. Temporary signs may be placed on the exterior of a building for the following special situations:

1. For the identity of real estate for sale.
2. For political advertisement. Except for signs larger than 2' X 2' yard sign, no application is required.
3. For promotion by non-profit organizations. In no case may these signs exceed the size limitations of this Ordinance.

#### I. Portable and Changeable Letter Signs

No portable or changeable signs may be erected or allowed to remain within the Town of Olla Historic District.

#### J. Illuminated Signs

No illuminated signs may be constructed or erected within the Town of Olla Historic District without the express approval of the Historic District Commission.

1. Concealed lighting is recommended. Bulbs may not be exposed. The light should enhance the sign as well as the building on which it is mounted.
2. Internally illuminated signs are not permitted.
3. Flashing, or intermittent signs (exclusive of historic signs) are not permitted.

#### K. Signs No Longer Complying as to Advertisement to be Taken Down.

Any sign displayed which no longer advertises a bona fide business (exclusive of historic or "ghost" signs) conducted upon the premises, upon notification by the Town of Olla Historic District Commission or its agent (who is hereby specifically authorized to so proceed), must be taken down, removed or obliterated within five (5) days after notification of and failure to comply on the part of the owner, occupant, agent, or person having beneficial uses of any building or premises upon which such sign may be found subjects such person to the penalty provided in SECTION 12.

#### L. Building Code Applicable to signs

All signs under this section shall be further governed by existing regulations of the Building Code of the Town which are not in conflict with this section.

#### M. Applications for Signs are to be submitted to Commission.

All applications for permits to display signs within the Historic District of the Town shall be submitted to the Historic District Commission Office for approval before a permit therefore may be issued in conformity with SECTION 9.

#### N. Form of Application to Display Signs; Accompanying Drawings

Application for a permit to display signs in the Historic District of the Town shall be made to the Commission upon forms furnished by the Commission. Such an application shall also be accompanied by sketches and drawings in triplicate showing details of construction and foundation when required by the Building Code of the Town and shall delineate the size, shape, design, coloring, lighting, and position in relation to the building from or upon which it is displayed.

### **SECTION 22. Aerials, Antennas etc., Prohibited**

The construction of aerials, antennas, or satellite dishes of any type within the Town of Olla Historic District is prohibited without the express approval of the Town of Olla Historic District Commission.

### **SECTION 23. Minimum Maintenance Requirements**

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the Town's Minimum Housing Code and the Town's Building Code.

### **SECTION 24. Demolition by Neglect**

- A. Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resources if it is found to have one or more of the following defects:
1. Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the Town Building Inspector or designee of the Mayor.
  2. Deterioration, as determined by the Town Building Inspector or the Mayor's designee, of a building characterized by one or more of the following:
    - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.
    - b. Deteriorated or inadequate foundations.
    - c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
    - d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
    - e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
    - f. Members of ceilings, roof, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship, or deterioration.
    - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
    - h. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration.
    - i. Any fault, defect or condition in the building which renders the same structurally unsafe or not properly watertight.
- B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the Mayor or his/her designee to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later to commence work to correct the specific defects as determined by the Commission.

Said notice be given as follows:

1. By certified mail, restricted delivery, mailed to the last known address of the record owner(s) as listed on the Town and/or Parish tax rolls.
  2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.
- D. If the owner(s) fail(s) to commence work within the time allotted as evidenced by a Building Permit, the Commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The Commission should receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission determined that the resource is being demolished by neglect, it may direct the Mayor or his/her designee to take appropriate action against the owner(s) if the necessary repairs are not completed within ninety (90) days of the

determination by the Commission that the subject building or structure is being demolished by neglect.

II. **BE IT FURTHER ORDAINED** that if any provision of this Ordinance or the application thereof to any person or circumstance is declared to be unconstitutional by the judgment of Court, then in that event, only the Particular provision shall be deemed unconstitutional, and the remaining provisions of this Ordinance not be affected thereby.

III. **BE IT FURTHER ORDAINED** that this Ordinance shall be binding and go into effect after public hearing and publication in accordance with law.

IV. **BE IT FURTHER ORDAINED** that it is the intention of the Town Council and it is hereby ordained that the provisions of the Ordinance become and be made part of the Code of Ordinances, Town of Olla, Louisiana, and the sections of this Ordinance may be numbered to accomplish such intention.

The above Ordinance was introduced on March 13, 2007 and a public hearing was called for April 10, 2007.

The above Ordinance having been submitted to a vote by the Mayor, the vote thereupon was recorded as follows, to-wit:

<b>AYES:</b>	<b>Thomas, Bates, Cupples, Lasiter, Emfinger</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

**THEREUPON, the Mayor declared the Ordinance PASSED by a vote of Five ayes to Zero nays, this 10<sup>th</sup> day of April, 2007.**

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**Dawn B. Stott**  
**TOWN CLERK**

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**Wanda W. Love**  
**MAYOR**